



April 24, 2003

**Warwick man admits participation  
in software piracy network**

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**The group, known as DrinkOrDie, distributed pirated computer programs, movies  
and computer games over the Internet**

**David C. Russo**, of Warwick, pleaded guilty today to a federal conspiracy charge, admitting that he participated in a network of software pirates that distributed stolen computer programs, movies, and computer games over the Internet. Russo, 49, of 106 Brunswick Drive, admitted that he acted as a tester for the group, which was known as DrinkOrDie, testing pirated software to see if it worked properly.

United States Attorney Margaret E. Curran announced the guilty plea, which Russo entered before Chief U.S. District Court Judge Ernest C. Torres in U.S. District Court, Providence. Russo is free on unsecured bond pending sentencing, which is scheduled for July 10.

**The "warez scene"**

At the plea hearing today, Michael DuBose, Senior Counsel with the Department of Justice Computer Crime and Intellectual Property Section, said that DrinkOrDie was a highly structured group of about 60 members that specialized in distributing copies of pirated computer software over the Internet. The group sought to be the fastest provider of the highest quality pirated software to an underground Internet community known as the "warez scene."

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Certain members of DrinkOrDie would obtain advance copies of computer programs not yet commercially available and "crack" or circumvent the copyright protections embedded in the software. Russo, going under a screen nickname, "Ange," was utilized as a tester -- he would operate the cracked program and determine if it still functioned properly. The pirated software would then be distributed to sites known as File Transfer Protocol (FTP) sites, where it would be used and shared by other members of the network.

### **270 software titles**

In return for his testing, Russo received access to FTP sites and was able to use pirated software, play pirated games and view pirated movies. Over a one-year period between November 2000 and October 2001, Russo tested numerous copies of pirated copyrighted works on his home computer and uploaded or downloaded thousands of pirated programs, games and movies. During the same time period, the DrinkOrDie group as a whole was responsible for cracking and distributing over the Internet more than 270 software titles.

The statutory maximum penalty for conspiracy, the charge to which Russo pleaded guilty, is five years in prison and a fine of \$250,000 or twice the amount of gain or loss caused by the offense. Russo's sentence will be determined on the basis of federal sentencing guidelines, which take into account such factors as the specific nature and impact of an offense and a defendant's criminal background, if any. In a plea agreement filed with the court, Russo admitted that he and others in the DrinkOrDie group were responsible for losses of between 2.5 million and five million dollars to various software companies.

### **Operation Buccaneer**

In 2000, DrinkOrDie and other piracy groups associated with the "warez scene" became the focus of a federal investigation known as Operation Buccaneer. In addition to Russo, more

than 20 defendants have pleaded guilty to federal charges in Virginia, California, and Illinois as a result of Operation Buccaneer, which was led by the **United States Customs Service** and the Department of Justice. In addition, prosecutions are underway in several foreign countries, including the United Kingdom, Sweden and Finland.

In May 2002, John Sankus, Jr., a leader of DrinkOrDie, was sentenced in Virginia to 46 months in federal prison. Also in Virginia, another co-conspirator, Barry Erickson, was sentenced the same month to 33 months in prison. In March 2002, a federal grand jury in Virginia indicted another alleged leader, Howard Griffiths, of Australia. The Department of Justice plans to seek Griffith's extradition to the United States for prosecution.

The Russo investigation was conducted by the **U.S. Customs Service Boston Office**, in conjunction with the **Customs CyberSmuggling Center** in Fairfax, Virginia. Assistance was provided by several intellectual property trade associations, including the Interactive Digital Software Alliance (IDSA) and the Business Software Alliance (BSA).

The case is being prosecuted by Mr. DuBose, with assistance from Assistant U.S. Attorney Dulce Donovan.

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Additional information about Operation Buccaneer can be found at

<http://www.cybercrime.gov/ob/OBMain.htm>